

EXHIBIT 7

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE MIDDLE DISTRICT OF TENNESSEE

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5 NIKKI BOLLINGER GRAE, Individually
6 and Behalf of All Others Similarly

7 Situating,

8 Plaintiff,

9 vs. CASE NO.

10 3:16-CV-02267

11 CORRECTIONS CORPORATION OF

12 AMERICA, et al.,

13 Defendants.

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16 CONFIDENTIAL

17 VIDEO DEPOSITION OF WILLIAM DALIUS

18 Nashville, Tennessee

19 February 26, 2020

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Reported by:

Elisabeth A. Miller Lorenz

RMR, CRR, LCR No. 66

Job No.: 10066903

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21 Also Present:

22 David Drumel, Videographer

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1 PROCEEDINGS

2 THE VIDEOGRAPHER: Good morning. Here
3 begins the video deposition of William Dalius taken
4 by the plaintiff in the matter of Grae versus CCA
5 filed in the United States District Court for the
6 Middle District of Tennessee.

7 This deposition is being held at Riley,
8 Warnock & Jacobson, 1906 West End Avenue in
9 Nashville, Tennessee.

10 My name is David Drumel. I'm the
11 videographer. The court reporter is
12 Elisabeth Lorenz.

13 We're on the record. The date is
14 February 26, 2020, and the time is approximately
15 9:39 a.m.

16 Counsel, please state your appearances
17 for the record.

18 MS. RADCLIFFE: Willow Radcliffe from
19 Robbins Geller for the plaintiffs.

20 MR. LYONS: Christopher Lyons from
21 Robbins Geller for the plaintiff.

22 MR. McGEE: Trey McGee, Riley,
23 Warnock & Jacobson, on behalf of defendants and the
24 witness.

25 MR. WHITWORTH: Morgan Whitworth,

1 Latham & Watkins, on behalf of defendants and the
2 witness.

3 THE VIDEOGRAPHER: Thank you.

4 Will the court reporter please swear in
5 the witness.

6 * * *

7 WILLIAM DALIUS

8 was called as a witness, and after having been first
9 duly sworn, testified as follows:

10 E X A M I N A T I O N

11 BY MS. RADCLIFFE:

12 Q Can you please spell your name for the
13 record?

14 A William Dalius; W-I-L-L-I-A-M, D-A-L-I-U-S.

15 Q And where do you presently reside?

16 A In Nolensville, Tennessee.

17 Q And have you been deposed before?

18 A Yes, ma'am.

19 Q How many times?

20 A Several.

21 Q When was the first time you were deposed?

22 A I don't recall.

23 Q What was the nature of the action if you
24 recall?

25 A It was, geez, probably -- probably an EEO

1 private companies versus the BOP, this per diem cost

2 is what you're referring to?

3 A Yes. I used to complete it.

4 Q And as I understand your testimony, the per

5 diem cost is not an apples-to-apples comparison; is

6 that correct?

7 A That is correct.

8 Q And then what about, have you seen any cost

9 comparisons of CCA versus its competitors?

10 A Not that I recall specifically.

11 Q And with respect to the per diem cost

12 that you -- that you completed, did that include any

13 analysis of the quality of performance of CCA?

14 A No, it was strictly financial analysis.

15 Q And I'll take it your answer to be saying

16 that it didn't include any analysis of the quality

17 of the performance of the BOP?

18 A It was strictly per diem, financial.

19 Q Do you recall what the purposes of

20 calculating the per diem cost was?

21 A It was to show Congress comparisons of...

22 Q And who did you work with in preparing those

23 per diem costs?

24 A My budget staff.

25 Q And did the budget staff substantially

1 assist you in preparing those per diem costs?

2 A They assisted me. I don't know about
3 substantially, but they definitely assisted me.

4 They had access to all the systems.

5 Q The information that you used to calculate
6 the per diem cost, was that all publicly available?

7 A I don't know the answer to that. I -- I
8 suspect.

9 Q I don't want you to guess.

10 A I know I can't guess, so I'm sorry. After I
11 said that, I thought --

12 Q So is --

13 A I -- I don't know then if -- if the
14 government documents are all public or not.

15 Q Do you recall what the criteria used were to
16 calculate the per diem cost?

17 A Yes.

18 Q And what was it?

19 A Well, there's a lot of criteria. I mean,
20 it's generally -- for the BOP prisons, the criteria
21 was just their annual operating budget. It excluded
22 things like construction costs, high
23 maintenance-type items, national expenses that would
24 be charged to all the prisons. And it was just kind
25 of prorated.

1 So if you did a true cost comparison, those
2 things were omitted from the per diem, the BOP's,
3 and that was just a decision made by the BOP years
4 ago to provide it that way.

5 Whereas, the privates, they have everything
6 included, the real estate taxes, the -- all the
7 salaries, all the retirement, everything, all the
8 construction, maintenance that goes into their
9 costs.

10 Q So while at the BOP, for example, when
11 you -- the -- strike that.

12 The per diem costs, you calculated those
13 annually for the BOP?

14 A Correct, at the end of each fiscal year.

15 Q And did anybody have responsibilities for
16 reviewing your calculations prior to them being
17 published?

18 A My budget staff and myself.

19 Q And --

20 A And the director signed off on it.

21 Q And let's say, for example -- let's take the
22 year 2014.

23 A Uh-huh.

24 Q Without having access to the BOP documents,
25 would you be able to replicate exactly how you

1 I, the undersigned, a Licensed Court
2 Reporter of the State of Tennessee, do hereby
3 certify:

4 That the foregoing proceedings were
5 taken before me at the time and place herein set
6 forth; that any witnesses in the foregoing
7 proceedings, prior to testifying, were duly sworn;
8 that a record of the proceedings was made by me
9 using machine shorthand, which was thereafter
10 transcribed under my direction; that the foregoing
11 transcript is a true record of the testimony given.

12 Further, that if the foregoing pertains
13 to the original transcript of a deposition in a
14 federal case, before completion of the proceedings,
15 review of the transcript was requested.

16 I further certify I am neither
17 financially interested in the action nor a relative
18 or employee of any attorney or party to this action.

19 IN WITNESS WHEREOF, I have this date
20 subscribed my name.

21 Dated: March 11, 2020

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23 _____

24 Elisabeth A. Miller Lorenz

25 RMR, CRR, LCR No. 66